

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:09-CR-126-5-F

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
DANIEL BELLO-PACHECO)	
Defendant.)	

The defendant, Daniel Bello-Pacheco, was sentenced in this court and judgment was entered for appeal purposes on May 13, 2010. *See* Judgment [DE-120]; FED. R. APP. P. 4(b)(1)(A)(i). On August 23, 2010, the Clerk's Office received a letter [DE-134] from Bello-Pacheco, postmarked August 20th, explaining that he had asked his court appointed trial attorney to appeal his sentence but that "he" did not do so.¹ Bello-Pacheco also seeks appointment of another attorney to file an appeal "and be retried [sic] in hoped of a better outcome" and to "work on getting me moved from this jail² ASAP, please."


The deadline for Bello-Pacheco to have filed a Notice of Appeal was 14 days after entry of judgment in his case – that is, May 27, 2010. This court, upon motion and a finding of excusable neglect, *could have* extended that time to and including June 28, 2010, but no later. *See* Fed. R. App. P. 4(b)(4). However, Bello-Pacheco's August 23, 2010, letter is three months too late to be deemed either a notice of appeal or succeed as a motion for an extension of time within which to do so. To the extent that the August 23rd letter [DE-134] seeks either remedy, such request is DENIED, as is his incorporated motion for appointment of counsel [DE-132].

¹ Mr. Bello-Pacheco was represented by Ms. Leza Lee Driscoll, Esq.

² Mr. Bello-Pacheco is housed at the Western Tidewater Regional Jail in Suffolk, Virginia.

SO ORDERED.

This, the 24th day of August, 2010.



JAMES C. FOX
Senior United States District Judge